

REMARKS

Claims 23-34 and 47-54 are now pending in the application. Claims 47-53 are allowed. There has been no acknowledgement by the Examiner of Claim 54. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 23, 24 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mufford (U.S. Pat. No. 6,186,254). This rejection is respectfully traversed.

With respect to Claim 23, Mufford does not show, teach or suggest a controller that controls a hydrogen supply and an air supply to power a heater to warm a fuel cell stack and a water supply while the vehicle is not running.

The Examiner alleges that Mufford, at column 4, lines 35-38, discloses that the heater receives electricity (power) from shore power to facilitate start-up of the fuel cell in cold weather, and thus when the vehicle is not running. Applicant respectfully submits that using shore power to power the heater when the vehicle is not running is not using the hydrogen supply and the air supply to power the heater when the vehicle is not running. Accordingly, Applicant respectfully submits that Mufford does not disclose a controller that controls a hydrogen supply and an air supply to power a heater to warm a fuel cell stack and a water supply while the vehicle is not running.

Applicants note that under 35 U.S.C. § 102(b) all of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988).

Accordingly, claim 23 is allowable for at least these reasons. Claims 24-26 ultimately depend from claim 23 and are allowable for at least similar reasons.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 27, 28 and 30-34 would be allowable if rewritten in independent form. Accordingly, Applicant has amended claims 27, 28 and 30-34 to include the limitations of the base claim and any intervening claims. Therefore, claims 27, 28 and 30-34 should now be in condition for allowance.

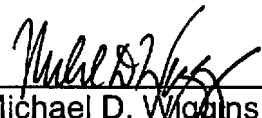
Claims 47-53 are allowable.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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